

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
**82771P332PCTUS**

First named inventor: James V. Luciani

Application No.: 09786529

Art Unit: 2661

Filed: 2001-02-23

Examiner: N/A

Title: A Non-Broadcast, Multiple Access Inverse Next HOP Resolution Protocol (InNHRP)

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional

1. Petition Fee

- Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27.
- Other than small entity-fee \$ 1,620.00 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Response to Notification of Missing Requirements (identify type of reply):

- has been filed previously on \_\_\_\_\_.
- is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.
- has been paid previously on \_\_\_\_\_.
- is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/William W. Schaal/

2010-10-08

Signature

Date

William W. Schaal

39018

Type or Printed name

Registration Number, If applicable

3200 Park Center Drive

714 557 3800

Address

Telephone Number

Costa Mesa CA 92626

Address

Enclosures:

 Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: \_\_\_\_\_**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date\_\_\_\_\_  
Signature\_\_\_\_\_  
Typed or printed name of person signing certificate

## **Privacy Act Statement**

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

James V. Luciani

Application No.: 09/786,529

Filed: February 23, 2001

For: A NON-BROADCAST, MULTIPLE  
ACCESS INVERSE NEXT HOP  
RESOLUTION PROTOCOL (INNHRP)

Examiner: Unassigned

Art Group: 2661

DECLARATION OF GEORGE L. FOUNTAIN IN SUPPORT OF PETITION TO REVIVE  
APPLICATION

Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

I, George L. Fountain, declare as follows:

1. On information and belief, the instant Patent Cooperation Treaty (PCT) Application Serial No. PCT/US99/19490 was filed on or about August 26, 1999.
2. On information and belief, the undersigned, on behalf of the Applicant, filed a first submission of items concerning a filing under 35 U.S.C. 371, a copy of the International Application as filed, and a First Preliminary Amendment with the United States Patent and Trademark Office as a receiving office for PCT filings, on or about February 23, 2001 (Exhibit A - transmittal only).
3. On information and belief, the United States Patent and Trademark Office, on or about April 13, 2001, issued a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US). (Exhibit B). This Notification was mailed to:

George L. Fountain  
Oppenheimer, Wolff & Donnelly  
Suite 3800  
2029 Century Park East  
Los Angeles, CA 90067

4. On information and belief, at the time of the mailing of the Notification (Exhibit B), the undersigned was no longer employed with Oppenheimer, Wolff & Donnelly nor was at that address.

5. On information and belief, the undersigned on or about March 13, 2000 changed employment from the employer and address noted in paragraph 3 of this Declaration to his current employer and address as follows:

Blakely, Sokoloff, Taylor & Zafman  
3200 Park Center Drive, Suite 700  
Costa Mesa, CA 92626-7149

6. Accordingly, at the time of the mailing of the Notification (Exhibit B), the undersigned was not at the mailing address listed on the Notification by the United States Patent and Trademark Office.

7. On information and belief, the undersigned submitted a change of address with the Office of Employment and Discipline (OED) of the United States Patent and Trademark Office shortly after the March 13, 2000 start date with his current employer listed in paragraph 5 of this Declaration.

8. On information and belief, the Office of Employment and Discipline (OED) of the United States Patent and Trademark Office, on or about June 6, 2000, recorded the undersigned's new employer and address information.

9. On information and belief, it appears that the United States Patent and Trademark Office made a mistake in the mailing address of the Notification (Exhibit B) since at such time its record showed that the undersigned was no longer at such address.

10. On information and belief, Oppenheimer, Wolff & Donnelly did not apprise the undersigned nor the undersigned's employer of the Notification (Exhibit B).

11. Accordingly, the undersigned nor the undersigned's employer was not aware that the Notification (Exhibit B) issued until about February, 2003. Since the undersigned and the undersigned's employer were not aware of the issuance of the Notification, it was unavoidable, or at least unintentional, not to respond to the Notification.

12. From February 2003 to the filing of the instant Petition, the undersigned has been accumulating and organizing the information in support of the instant Petition, as well as preparing the instant Petition and Declaration with supporting documents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 20, 2003, at Costa Mesa, California.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

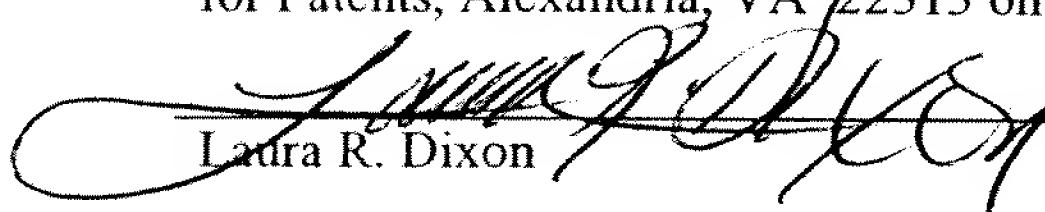
Dated: June 20, 2003

  
GEORGE L. FOUNTAIN

Reg. No. 36,374

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313 on: June 20, 2003

  
Laura R. Dixon

06/20/03

EXHIBIT A

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/US99/19490	26/08/1999	26/08/1998

**TITLE OF INVENTION**

NON-BROADCAST, MULTIPLE ACCESS INVERSE NEXT HOP RESOLUTION PROTOCOL

**APPLICANT(S) FOR DO/EO/US**

Applicant: NORTEL NETWORKS CORPORATION

(Inventor: James V. Luciani)

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected by the expiration of 19 months from the priority date (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto (required only if not communicated by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached hereto.
  - b.  has been previously submitted under 35 U.S.C. 154(d)(4).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not communicated by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A **FIRST** preliminary amendment.
14.  A **SECOND** or **SUBSEQUENT** preliminary amendment.
15.  A substitute specification.
16.  A change of power of attorney and/or address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18.  A second copy of the published international application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20.  Other items or information: NOTIFICATION OF THE RECORDING OF A CHANGE

21  The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO . . . . . \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . . . \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO . . . . . \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . . \$690.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . . \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 690.00

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	52 - 20 =	32	x \$18.00	\$ 576.00
Independent claims	2 - 3 =	0	x \$80.00	\$ -0-
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00	\$

**TOTAL OF ABOVE CALCULATIONS =** \$ 1,266.00

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

+

**SUBTOTAL =** \$ 1,266.00

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =** \$ 1,266.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

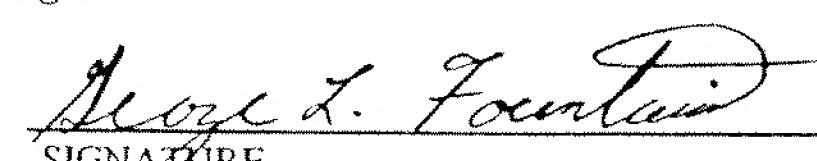
**TOTAL FEES ENCLOSED =** \$ 1,266.00

	<b>Amount to be refunded:</b>	\$
	<b>charged:</b>	\$

- a.  A check in the amount of \$ 1,266.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-266. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

  
SIGNATURE

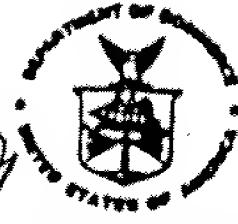
George L. Fountain

NAME

36,374

REGISTRATION NUMBER

EXHIBIT B



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.

卷之三

**FIRST NAMED APPLICANT**

ATTY. DOCKET NO.

GEORGE L FOUNTAIN  
OPPENHEIMER WOLFF & DONNELLY  
SUITE 3600  
2029 CENTURY PARK EAST  
LOS ANGELES CA 90067

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**INTERNATIONAL APPLICATION NO.**

PROPERTY RATE

卷之三

DATA

DATA MADE EASY

04/13/01

~~CONFIDENTIAL~~  
**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED  
STATES DESIGNATED/ELECTED OFFICE TO THE PCT**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494),  an Elected Office (37 CFR 1.495):

U.S. Basic National Fee.

Copy of the International application in:  a non-English language.

- English.

Translation of the international application into English.

Oath or Declaration of Inventor(s) for DO/EO/US.

Copy of Article 19 amendments.

Translation of Article 19 amendments into English.

The International Preliminary Examination Report in English and its Annexes, if any.

Translation of Annexes to the International Preliminary Examination Report into English.

Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_

Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_

Assignment document.

Power of Attorney and/or Change of Address.

Substitute specification filed \_\_\_\_\_

Statement Claiming Small Entity Status.

Priority Document.

Copy of the International Search Report  and copies of the references cited therein.

Other: \_\_\_\_\_

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
    - The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
  - b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
  - c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
    - The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
  - d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. 632 GEM 1-6

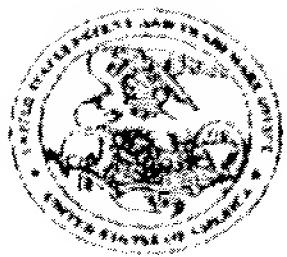
*A copy of this notice*

Notice of Default

*A copy of this notice MUST be returned with this response.*

Form PCT/DO/TM/005 (B) 1-1007

Telephone: (703) 305-3738



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786,529	James V. Luciant	082771.P332PCTUS
INTERNATIONAL APPLICATION NO.		
PCT/US99/19490		
I.A. FILING DATE	PRIORITY DATE	
08/26/1999	08/26/1998	
<b>CONFIRMATION NO. 1428</b>		
371		
<b>ABANDONMENT/TERMINATION LETTER</b>		
 *OC000000008190083*		

Date Mailed: 05/28/2002

### **NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has made the following determination:

- Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS, mailed 04/13/2001 within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

PATRICIA A BOOKER

Telephone: (703) 305-3738

### **PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/909 (371 Abandonment Notice)